



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

FEBRUARY 13, 2023

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

In order to keep the WebEx session manageable, we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on February 10, 2023. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request at 216-664-2580. You can also email us boardofzoningappeals@clevelandohio.gov.

Calendar No. 23-004:

9721 Union Avenue

Ward 6

Blaine Griffin

Regis Williams, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a residential facility means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states a residential facility, as defined in this chapter, for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from another Residential Facility, at 10002 Benham Avenue (Destiny Fulfilled Adult Living).

Calendar No. 23-005:

**12714 Beachwood Ave.
Public Works Invoice
WO-7010-1402048**

**Ward 2
Kevin L. Bishop**

Rand Williette, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer dated December 22, 2022 to uphold the City of Cleveland's Department of Public Works to issue invoice WO-7010-1402048 regarding abating nuisances (grass cutting) at the subject property. (Filed January 11, 2023).

Calendar No. 23-006:

2161 W 28th Street

**Ward 3
Kerry McCormack**

Luis Hernandez, owner, proposes to erect a 2-story frame two family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(a) which states that the required rear yard is 29 feet, 4 inches and the appellant is proposing 20 feet.
2. Section 355.04(b) which states that the Maximum Gross Floor Area shall not exceed 50 percent of lot size which in this case is 1,992 square feet and the appellant is proposing 2,928 square feet. This section also states that the Minimum required lot size is 6,000 square feet and the appellant is providing 3,992 square feet
3. Section 355.04(b) which states that the Minimum lot width is 50 feet and the appellant is proposing 29.36 feet.

Calendar No. 23-009:

4630 Broadway Avenue.

**Ward 5
Richard Starr**

Julie Abuaun, owner, proposes to establish use as Outside/Open Storage and install a six (6) foot high fence in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that "Outside/Open Storage" is first permitted in Semi-Industrial District. Any material stored in unenclosed premises to a height greater than four (4) feet above grade level shall be surrounded by a substantial seven (7) foot high wall or fence erected to observe all required building lines.
2. Section 349.04 (j) which states that for "open storage" one (1) parking space for each employee plus 15% of the gross lot area and no parking is proposed.
3. Section 349.07(a) which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking space, surfaced with concrete, asphaltic concrete or asphalt.
4. Section 352 which states that a landscape plan is required; none proposed.

Calendar No. 23-010:

4636 Broadway Avenue.

**Ward 5
Richard Starr**

Julie Abuaun, owner, proposes to establish use as Outside/Open Storage and install a six (6) foot high fence in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that "Outside/Open Storage" is first permitted in Semi-Industrial District. Any material stored in unenclosed premises to a height greater than four (4) feet above grade level shall be surrounded by a substantial seven (7) foot high wall or fence erected to observe all required building lines.
2. Section 349.04 (j) which states that for "open storage" one (1) parking space for each employee plus 15% of the gross lot area and no parking is proposed.
3. Section 349.07(a) which states accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking space, surfaced with concrete, asphaltic concrete or asphalt.
4. Section 352 which states that a landscape plan is required; none proposed.

Calendar No. 23-023:

2302 W 6th Street.

**Ward 3
Kerry McCormack**

J. Noel, INC., owner, proposes to erect a 3,050 square foot 3-story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.08(a) which states that the required rear yard is 32 feet and the appellant is proposing 13 feet.
2. Section 355.04 (b) which states that the maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,820 square feet and the appellant is proposing 2,565 square feet.

Calendar No. 23-024:

2296 W 6th Street.

**Ward 3
Kerry McCormack**

J. Noel, INC, proposes to erect a 3,241 square foot 3-story frame single family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 357.08(a) which states that the required rear yard is 32 feet and the appellant is proposing 8 feet.
2. Section 355.04(b) which states maximum gross floor area shall not exceed 50 percent of lot size or in this case 1,737 square feet and the appellant is proposing 2,756 square feet.
3. Section 357.09(b) which states the minimum distance between main buildings on adjoining lots is 6 feet and the appellant is proposing 3.12 feet.

POSTPONED FROM JANUARY 9, 2023

Calendar No. 22-226:

4750 Hinckley Ave.

Ward 12

Rebecca Maurer

56 Notices

Christina McDermott, owner, proposes to erect a 2,776 square foot storage structure for existing greenhouse/warehouse use in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified:

1. Section 337.02 which states a storage structure is not permitted in a One-Family Residential District.
2. Section 359.01 which states that no enlargement or expansion of a nonconforming use shall be permitted except as a variance under the terms of Chapter 329. (Filed December 6, 2022)
POSTPONED FROM JANUARY 9, 2023 TO ALLOW TIME FOR THE APPELLANT TO MEET WITH COUNCILWOMAN MAURER.